

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DAMIEN FRASER,

Plaintiff,

-against-

21 CIVIL 9904 (JMF)

JUDGMENT

DAVID HOWARD,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated December 15, 2022, that Fraser's Petition must be and is DISMISSED as untimely. As Fraser has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c); see also, e.g., *Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). In addition, the Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Memorandum Opinion and Order would not be taken in good faith, and in forma pauperis status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962); accordingly, the case is closed.

Dated: New York, New York

December 15, 2022

RUBY J. KRAJICK

BY:

Clerk of Court



Deputy Clerk